

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**CHELSIE NITSCHKE AND
CYNTHIA GEORGE,**

Plaintiffs,

v.

**BERRY FARMS APT INVESTMENTS, LP;
DEANGELIS DIAMOND CONSTRUCTION,
LLC; AND BOYLE INVESTMENT
COMPANY,**

Defendants,

Civil Action No. 3:24-cv-00466

JUDGE ALETA A. TRAUGER

**DEANGELIS DIAMOND CONSTRUCTION,
LLC,**

Third-Party Plaintiff,

v.

**SMITH GEE STUDIO, LLC and JONES
BROS. CONTRACTORS, LLC,**

Third-Party Defendants.

**DEANGELIS DIAMOND CONSTRUCTION, LLC’S
UNOPPOSED MOTION TO SERVE EXPERT DISCLOSURE**

Pursuant to Local Rule 39.01(c)(5)(C) and the Court’s Initial Scheduling Order, DeAngelis Diamond Construction, LLC (“DeAngelis”) submits this Unopposed Motion for Leave to Serve its Expert Disclosure:

1. The Court's Initial Scheduling Order required Defendants "to disclose the name, address, and vita of any expert witness," and to "serve the report required by Fed. R. Civ. P. 26(a)(2) on or before forty-five (45) days after receipt of" Plaintiffs' expert report. (Doc. 35, ¶ G.)

2. Plaintiffs disclosed their expert and served Plaintiffs' expert report on November 22, 2024. Berry Farms Apt Investments, LP ("Berry Farms") and Boyle Investment Company ("Boyle") disclosed John Torkelson as their expert and served Mr. Torkelson's expert report on January 31, 2025.

3. DeAngelis has also retained Mr. Torkelson to serve as an expert in this matter, and DeAngelis is also relying on Mr. Torkelson's expert report that Berry Farms and Boyle previously served. DeAngelis misunderstood, however, that Mr. Torkelson would be disclosed on behalf of DeAngelis as well.

4. Because Plaintiffs are already aware of Mr. Torkelson's opinions, and the facts and data on which those opinions are based, DeAngelis' disclosure of Mr. Torkelson does not impose any surprise or prejudice on Plaintiffs. Further, Plaintiffs are aware that DeAngelis is also relying on Mr. Torkelson as an expert in this matter and that DeAngelis is relying on the same report of Mr. Torkelson as Berry Farms and Boyle.

5. DeAngelis therefore requests that the Court grant DeAngelis leave to disclose Mr. Torkelson as DeAngelis' expert and serve Mr. Torkelson's report after the date required by the Court's Initial Scheduling Order.

6. Counsel for DeAngelis certifies that they have conferred with Plaintiffs' counsel, who does not oppose this Motion. DeAngelis has attempted to confer with counsel for Berry Farms and Boyle, counsel for Jones Bros. Contractors, LLC, and counsel for Smith Gee Studio, LLC, but DeAngelis has not received a response as to whether counsel for these parties oppose this Motion.

Respectfully submitted,

/s/ Charles K. Grant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 14, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will serve electronic notice to the following parties of record:

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